

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN DEL TORO,

Plaintiff,

V.

VASUKI DARAM, et al.,

## Defendants.

No. 2:22-cv-0725 DJC AC P

## FINDINGS AND RECOMMENDATIONS

By order filed October 21, 2024, plaintiff was ordered to show cause, within twenty-one days, why defendant Schultz should not be dismissed for failure to effect timely service. ECF No. 56. The twenty-one-day period has now expired, and plaintiff has not shown cause or otherwise responded to the court's order. For the reasons set forth in the October 21, 2024 order to show cause (ECF No. 56), which is incorporated herein by reference, the court finds that plaintiff has failed to timely serve defendant. Plaintiff has further failed to show good cause why defendant Schultz should not be dismissed. See Fed. R. Civ. P. 4(m) (when a defendant has not been served within ninety days after the complaint is filed the court must dismiss the action against that defendant unless plaintiff can show good cause for the failure).

Accordingly, IT IS HEREBY RECOMMENDED that defendant Schultz be dismissed from this action for plaintiff's failure to effect timely service. See Fed. R. Civ. P. 4(m).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days

1 after being served with these findings and recommendations, plaintiff may file written objections  
2 with the court. The document should be captioned "Objections to Magistrate Judge's Findings  
3 and Recommendations." Plaintiff is advised that failure to file objections within the specified  
4 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153  
5 (9th Cir. 1991).

6 DATED: December 2, 2024

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8 ALLISON CLAIRE  
9 UNITED STATES MAGISTRATE JUDGE

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